

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3428 OF 2022

Mr. Mahendra Singh ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vinod Chate a/w Ms. Kalpana Chate i/b Chate & Associates, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 3 JANUARY, 2023.

PC. :

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant is an accused in Cr. No. 75 of 2016 registered at Khandeshwar Police Station, District Raigad, for the offence punishable under Sections 406, 420, 409, 506 read with 34 the Indian Penal Code, Sections 3, 4(1), 5, 8 read with 13(1)(2)(3) of the Maharashtra Ownership of Flats Act, 1963 and Sections 8, 9 and 49 of the Maharashtra Housing Regulation and Development Act, 2012.

3. After arrest of the applicant in aforesaid crime, he was released on bail. As the applicant was not attending the dates before

the trial Court by order dated 24 August 2022, the trial Court had issued non-bailable warrant against him and pursuant to said warrant the applicant came to be arrested. The trial Court and Sessions Court rejected the request for bail.

4. It appears that the applicant was granted bail in view of the settlement between the parties. It appears from the order of Sessions Court that after the roznama of 9 March 2018, directly there is a roznama of 2 May 2022. The learned counsel for the applicant submits that henceforth the applicant shall regularly attend the dates before the trial Court.

5. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. In the result following order is passed:

ORDER

- (i) The Application is allowed.
- (ii) The applicant be released on bail in Crime No. 75 of 2016 registered at Khandeshwar Police Station, District Raigad, for the offence punishable under Sections 406, 420, 409, 506 read with 34 the Indian Penal Code, Sections 3, 4(1), 5, 8 read with 13(1)(2) (3) of the Maharashtra Ownership of Flats Act, 1963 and Sections 8, 9 and 49 of the Maharashtra Housing

Regulation and Development Act, 2012, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

- (iii) Needless to mention that the applicant shall regularly attend the dates before the trial Court.

[N.R. BORKAR, J.]